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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2614

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,935

Applicant(s)

STECYK ET AL.

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-34 rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al(5,583,576).

As to claim 1, note the Perlman et al reference, Figures 1 and 2, which disclose a rating-dependent parental lock-out for television reception, a method of supervising personal exposure to consumer electronics device. The claim method comprising...is met as follows: the claimed "consumer electronics device..." is met by set-top converter, a television receiver, etc., used for receiving program signal suitable for conversion into user discernible information, the claimed "content-based indicator..." is inherent to the received program

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which indicates the rating, subject matter categories, sex, violence, etc., for user discernible information, and further includes timing information indicating the time of the day at which the television program is transmitted, note col. 4, lines 31-67, the user of the television receiving apparatus, set-top converter, selects the content-based specification, predefined rating code generated by the user and further selects a specific time interval associated with the selected content specification, the microprocessor 205, comparing the selected predefined rating code stored in memory 206 with the received program rating when the reference time falls within the selected time interval range specification, a signal is generated based on the comparison between the user generated predefined rating code and the received program, note col. 6, line 13-col. 7, line 5,

As to claims 2 and 3, Perlman further discloses a method where the content-based indicator and timing information are carried by the program signal, note col. 4, lines 31-67.

As to claim 4, Perlman further discloses a method where the time indicated by the timing information is generated within the set-top converter, note col. 5, lines 33-52.

As to claim 5, Perlman further discloses a method where the reference time indicated by the timing information, is the current time, note col. 6, lines 14-32.

As to claim 6, Perlman further discloses a method where each of the received content-based indicator, the program receiver and the selected content-

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based specification, the user generated predefined rating code is a rating, col. 6, lines 14-49.

As to claim 7, Perlman further discloses a method where a block signal is generated by the microprocessor 205, if the received rating exceeds the selected rating, note col. 6, lines 45-64.

As to claim 8, Perlman further discloses a method where each of the programs received and the selected predefined rating code is a subject matter category, predetermined acts (e.g. acts of violence, nudity, profanity, etc.) note col. 4, lines 45-67.

As to claim 9, Perlman further discloses a method where a block signal is generated if the received subject matter category matches the selected subject matter category, note col. 6, lines 45-64.

As to claim 10, Perlman further discloses a method where the control signal is a block control signal, and further comprising impairing the program signal in response to the block signal, note col. 6, lines 24-64.

As to claim 11, Perlman further discloses a method where the program signal is blocked in response to the block control signal, note col. 6, lines 24-64.

As to claim 12, Perlman further discloses a method where the consumer electronics device is a television receiving apparatus, the set-top converter, video recorder, etc., and the user discernible information comprises audio/video information, note col. 5, lines 15-33.

As to claim 13, note the Perlman et al reference, Figures 1 and 2, further disclose a method of supervising personal exposure to consumer electronics

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device. The claim method comprising...is met as follows: the claimed "consumer electronics device..." is met by set-top converter, a television receiver, etc., used for receiving program signal suitable for conversion into user discernible information, the claimed "content-based rating..." is inherent to the received program which indicates the rating, subject matter categories, sex, violence, etc., for user discernible information, and further includes timing information signal indicating the time of the day at which the television program is transmitted, note col. 4, lines 31-67, the user of the television receiving apparatus, set-top converter, selects the content-based specification, predefined rating code generated by the user and further selects a specific time interval associated with the selected content specification, the microprocessor 205, comparing the user generated predefined rating code stored in memory 206 with the received program rating when the reference time falls within the selected time interval range specification, where the microprocessor 205 causes the signal to diminished or impair the program signal and in effect blocking the program signal if the received program rating exceeds the user generated predefined rating code, note col. 6, line 13-col. 7, line 5.

As to claim 14, Perlman further discloses a method where the program signal, is impaired by scrambling the program signal, note col. 7, lines 19-50.

As to claim 15, Perlman further discloses a method where the signal is impaired by blocking the program signal, note col. 6, lines 24-64.

As to claim 16, Perlman inherently teaches where the selected specific time interval repeats for each day of a workweek.

As to claim 17, Perlman further discloses a method comprising further selecting a second user generated predefined code rating different from the first generated coded rating, selecting a second specific time interval associated with the second generated coded rating, comparing the second generated coded rating with the received program signal rating when the reference time falls within the second specific time interval impairing the program signal if the received program signal rating exceeds the second generated code rating, note that when the content of the memory 206 is updated the microprocessor 205 likewise generates a list in respect of the change, note col. 7, line 59-col. 8, line 5.

Claim 18 is met as previously discussed with respect to claim 17.

As to claim 19, note the Perlman et al reference, Figures 1 and 2, disclose a recordable medium for a consumer electronics device. The claim method is met as follows: the claimed "consumer electronics device..." is met by set-top converter, a television receiver, etc., used for receiving program signal suitable for conversion into user discernible information, the claimed "content-based indicator..." is inherent to the received program which indicates the rating, subject matter categories, sex, violence, etc., for user discernible information, and further includes timing information indicating the time of the day at which the television program is transmitted, note col. 4, lines 31-67, the user of the television receiving apparatus, set-top converter, selects the content-based specification, predefined rating code generated by the user and further selects a specific time interval associated with the selected content specification, the microprocessor 205, comparing the selected predefined rating code stored in

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memory 206 with the received program rating when the reference time falls within the selected time interval range specification, a signal is generated based on the comparison between the selected predefined rating code and the received program, note col. 6, line 13-col. 7, line 5,

Claim 20 is met as previously discussed with respect to claim 6.

Claim 21 is met as previously discussed with respect to claim 7.

Claim 22 is met as previously discussed with respect to claim 8.

Claim 23 is met as previously discussed with respect to claim 9.

Claim 24 is met as previously discussed with respect to claim 10.

As to claim 25, note the Perlman reference Figure 1, further discloses a consumer electronics device with a circuitry for supervising personal exposure to user discernible information. The claim is met as follows: the claimed "non-volatile memory..." is met by Memory 206, which is configured to received the content-based specification, the selected predefined code rating, and a finite time range specification, the specific time interval for receiving the program signal, the claimed "logic unit..." is met by the microprocessor 205 which is couple to memory 206 and configured for comparing the received program signal with the selected predefined code rating and when a reference time falls within the time interval range specification, the microprocessor generates a control signal in response to the comparison between the received program signal and the selected predefined code rating, the claimed "signal impairment mechanism..." is met by Tuner 204 which is couple to the microprocessor 206, and configured for, based on the control signal, selectively passing a program signal through without

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substantial impairment or impairing the program signal, note col. 5, lines 34-67 and col. 6, line 13-col. 7, line 5,

As to claim 26, the claimed "output device..." is met by display 208 which is couple to the signal impairment mechanism, Tuner 204 for transforming the signal into the user discernible information, note Figure 1 and col. 6, lines 44-58.

As to claim 27, the claimed "data entry system..." is met by Remote Control 201 or the entries on the set-top converter for selectively inputting the user generated code rating and the specific time interval in Memory 206, note col. 5, lines 15-33.

As to claim 28, Perlman further discloses a consumer electronics device where the memory 206 includes a look-up list for storing the user generated predefined code rating and associated specific time interval, note col. 8, lines 12-22.

As to claim 29, Perlman further discloses a consumer electronics device where the program signal carries the content-based indicator and the reference time, and further comprising a data extraction device 203, which is couple to the microprocessor 205, for extracting the content-based indicator and the reference time from the program signal, note col. 6, line 13-col. 7, line 5,

As to claim 30 the claimed "switch..." is inherent to the signal impairment device, note col. 7, line 59-col. 8, line 5.

Claim 31 is met as previously discussed with respect to claim 12.

Claim 32 is met as previously discussed with respect to claim 27.

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As to claim 33, Perlman further discloses a consumer electronics device where the user generated code rating and the specific time interval specification are pre-programmed by the manufacturer of the consumer electronics device, note col. 3, line 58-col. 4, line 44.

As to claim 34, Perlman further discloses a consumer electronics device where the Memory 206, comprises user generated code rating and the specific time interval specification are pre-programmed by the manufacturer of the consumer electronics device, and further comprising a data entry system, Remote Control 201, for selecting the pre-programmed user generated code rating and the specific time interval specification, note col. 3, line 58-col. 4, line 44.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perlman (6,125,259) discloses an intelligent and user friendly channel up/down control.

West et al (5,550,575) disclose a viewer discretion television program control system.

Hunter et al (5,485,518) disclose an electronic media program recognition and choice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang
August 7, 2002



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